

Prob 12B
(7/93)

UNITED STATES DISTRICT COURT

for the

District of Nebraska

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
06 MAY 22 PM 1:29
OFFICE OF THE CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Ruben Cortes **Docket Number:** 8:00CR130
Sentencing Judge: The Honorable Lyle E. Strom
United States Senior District Judge
Date of Original Sentence: October 2, 2001
Original Offense: Conspiracy to Distribute Methamphetamine; 21 U.S.C.
841(a)(1) and 846
Original Sentence: 80 months custody, 5 years supervised release
Type of Supervision: Supervised Release
Date Supervision Commenced: May 12, 2006

PETITIONING THE COURT

☐ To extend the term of supervision for _____, for a total term of _____.

☒ To modify the conditions of supervision as follows:

The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the probation officer, pursuant to 18 U.S.C. 3583(d).

The defendant shall refrain from using illicit drugs and alcohol, and abusing prescription medication during the period of supervision.

CORTES, Ruben

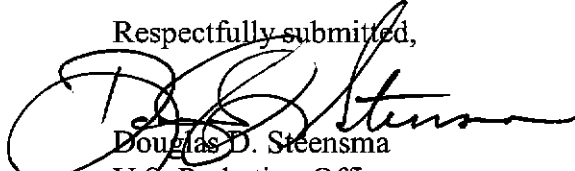
Request for Modifying the Conditions of Supervision with Consent of the Offender

May 15, 2006

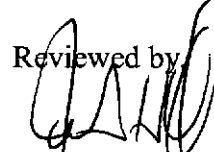
CAUSE

Mr. Cortes is currently being supervised by United States Probation Officer Amy Young from the Central District of California. Ms. Young is requesting this modification to comply with the Ninth Circuit Case Law, specifically the Ninth Circuit Court of Appeals' finding in *United States v. Stephens* (9th Cir. 2005) which requires the Court to identify the number of random drug tests the offender can be subjected to while in treatment and after treatment is complete.

Respectfully submitted,



Douglas D. Steensma
U.S. Probation Officer

Reviewed by


John A. Hill, Supervising
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as noted above
- ☒ The Modification of Conditions as noted above
- ☐ Other


The Honorable Lyle E. Strom
U.S. Senior District Judge

5/22/06
Date

PROB: 49
(3/89)

UNITED STATES DISTRICT COURT
District of Nebraska

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


Ruben Cortes, as a condition of supervision, shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the probation officer, pursuant to 18 USC 3583(d).

Additionally, Ruben Cortes shall refrain from using illicit drugs and alcohol, and abusing prescription medication during the period of supervision.

Witness: _____


Amy Young
U. S. Probation Officer

Signed: _____


Ruben Cortes
Supervisee

Date: 3-15-06